

SENATE BILL 1690

By Herron

AN ACT to amend Tennessee Code Annotated, Title 30
and Title 71, relative to estate recoveries involving
medical assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-116, is amended by adding the
following as a new subsection:

(g)

(1) Notwithstanding any other provision of this section or part, there shall be no
adjustment or recovery of any payment for medical assistance correctly paid on behalf of
any recipient pursuant to this part from the recipient's estate except in cases where
notice in accordance with the subsection is given and received.

(2) Notice shall be provided at the following times to applicants and medical
assistance recipients:

(A) upon application for medical assistance and also on admission to a
long-term care facility or institution, and upon deferral, placement of a lien, death
or other judicial claim; and

(B) before a recovery claim is made on persons affected, which shall
include an executor or authorized representative, and, in the absence of such
representative, to individuals affected as family or as an heir.

(3)

(A) For the purposes of subdivision (g)(2)(A), notice shall include a
brochure describing estate recovery in the medical assistance program.

(B) For the purposes of subdivision (g)(2)(B), notice shall include:

(i) any information required by the State Medicaid Manual issued by the Centers for Medicare and Medicaid Services, or otherwise required by law;

(ii) notice of the availability of a hardship waiver and of the right to appeal;

(iii) information concerning exemptions, deferrals and any rights to an accounting; and

(iv) assurances that the claim may not exceed the value of the estate.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.